IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.170 OF 2006

IN

SUMMARY SUIT NO.3270 OF 2005

Union Bank of India. ...Plaintiff

vs.

Manojkumar M. Kale & another. ...Defendants.

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Ms.Shakuntala Joshi, for Plaintiff.

None for Defendants.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 14th August, 2006.**

**P.C.**:-

1. The plaintiff has taken out this summons for judgment against both the defendants. The learned Counsel appearing for plaintiff stats that defendant no.2 has not filed any appearance even after service of writ of summons. Therefore, she is restricted the summons for judgment to defendant no.1 only.

2. The defendant no.1 is served with the summons for judgment. Affidavit of service has been filed. The defendant no.1 has not filed any application for leave to defend the suit within the period prescribed by the provisions of Order 37 of the Civil Procedure Code. Therefore, in terms of the provisions of Order 37 of C.P.C the plaintiff is entitled to a decree against defendant no.1.

3. The defendant no.2 is also served with the writ of summons. Affidavit of service has been filed. The defendant no.2 is not appearing. Therefore, the plaintiff is entitled to a decree against defendant no.2 also in terms of the provisions of Order 37 of C.P.C.

4. Heard the learned Counsel appearing for plaintiff. Perused the record. The summons for judgment is disposed of. The suit of the plaintiff is decreed in terms of prayer clause of the suit. Refund of Court fees as per rules.

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